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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,770	05/01/2002	Lars Guntveit	1935-00088	1862

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EXAMINER

LE, TAN

ART UNIT PAPER NUMBER

3632

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,770

Applicant(s)

GUNTVEIT ET AL.

Examiner

Tan Le

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to Applicant's amendment filed 10/17/05 for Application No. 10/019,770. This application contains five claims numbered 1-5. Claim 5 has been added.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent no. 4,919,274 to Hammond.

Hammond teaches an handling apparatus for a reverse vending machine for bottle and cans comprising a cover (14 generally) having a feed opening (26) and a drain opening (116) through the front cover and is adjacent the feed opening (26) in the front cover and a corresponding opening (20, Fig. 2) positioned within the handling apparatus of the reverse vending machine. Hammond's reverse vending machine can be operable with the cover removed

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,361,913 to Melchionna.

Melchionna teaches an handling apparatus for a reverse vending machine for bottle and cans comprising a cover (front 16 generally) having a feed opening (19) and a drain opening (42, 44, 45, 99) is adjacent the feed opening (26) and a corresponding

Art Unit: 3632

opening (the opening inside of the handling machine to collect the cans/bottles or rejected cans/bottles) positioned within the handling apparatus of the reverse vending machine. Melchionna's reverse vending machine can be operable with the cover removed.

Allowable Subject Matter

Claims 2-5 are objected to, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 10/17/05 have been fully considered but they are not persuasive.

Applicant alleges that claim 1 has been amended in a manner that fully distinguishes the present invention over the applied Hammond ('274) and Melchionna ('913) references. Particularly, Applicant argues that "the upwardly extending chutes of Applied references for returning nonrefundable containers to a user do not comprises an element for receiving and draining away bottle and can remnants as now recited in the claim (page 4 of the Remarks). The examiner respectfully disagrees. First, the limitation "the upwardly extending chutes" as Applicant relied does not recite in claim 1; Second, "an element" as mentioned above (appears to be a drain opening) for receiving and draining away bottle and can remnants as Applicant argued, the prior art as applied clearly disclose/possesses this limitation.

Applicant is reminded that currently the preamble of claim 1 appears to recite a reverse vending machine that is not a positive part of the claim, however, in the body of claim 1, it appears that the vending machine is positive part of the claim. This creates inconsistency between the preamble and the body of the claim. In the next response, examiner suggests Applicant should amend the claim to be consistent with the intent. It should also be noted, through out the prosecution, the rejection was based on the combination of the device and the vending machine.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tan Le
December 27, 2005.



ANITA KING
PRIMARY EXAMINER